

HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REYNOLDS METALS COMPANY and
ALCOA INC.,

Plaintiffs,

and

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Plaintiff-in-Intervention,

v.

ALCAN INC. and ALCAN ALUMINUM
CORPORATION,

Defendants.

NO. C04-0175RJB

DEFENDANTS' MOTION IN LIMINE TO
EXCLUDE ASTM-B928 EVIDENCE

NOTE ON MOTION CALENDAR:
May 1, 2006

Defendants Alcan Aluminum Corporation and Alcan Inc. (collectively, "Alcan"), by and through their undersigned counsel, move this Court for an Order to preclude any mention, reference to, or admission into evidence of, the current ASTM International Standards designation B928-03 ("B928"), as adopted in 2003.

Alcan contends that this current ASTM International Standards designation, which was not adopted until well after the factual circumstances surrounding this lawsuit, has no bearing on any

DEFENDANTS' MOTION IN LIMINE TO EXCLUDE
ASTM-B928 EVIDENCE - 1
(C04-0175RJB)

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1 issue in this case. As such, it is irrelevant under the Federal Rules of Evidence, Rules 401 and
2 402, and if mentioned, referred to or admitted, evidence pertaining to B928 would be unduly
3 prejudicial to Alcan and would confuse the jury under Rule 403.

4 Although plaintiffs had originally designated the formal, final language of B928 as their
5 proposed trial exhibit No. 253, and although that document has been removed from plaintiffs'
6 proposed exhibit list, Alcan makes this motion to prevent any mention or reference to the fact
7 that this ASTM International Standard was adopted in 2003, to the language included in the
8 current standard, or to the application of the current standard since 2003.

9 DATED this 26th day of April, 2006.

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DEFENDANTS' MOTION IN LIMINE TO EXCLUDE
ASTM-B928 EVIDENCE - 2
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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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and I hereby certify that I have e-mailed by United States Postal Service the document to the following non-CM/ECF participant:

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DEFENDANTS' MOTION IN LIMINE TO EXCLUDE
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